



**COUNTY OF SAN LUIS OBISPO  
DEPARTMENT OF PLANNING AND BUILDING  
STAFF REPORT**

**PLANNING COMMISSION**

*Promoting the wise use of land  
Helping build great communities*

<b>MEETING DATE</b> January 14, 2016	<b>CONTACT/PHONE</b> Brandi Cummings / 805-781-1006 bcummings@co.slo.ca.us	<b>APPLICANT</b> Fallingstar Homes, Inc.	<b>FILE NO.</b> S010201T
<b>SUBJECT</b> A request for a fifth time extension by Fallingstar Homes, Inc./North Coast Engineering for Vesting Tentative Tract Map 2451 to subdivide an existing 24 acre parcel into 16 lots ranging from one acre to six acres each for the purpose of sale and/or development, and to complete tract improvements and lot grading. The project will result in the disturbance of the entire 24 acre site. The proposed project is within the Residential Single-Family, Residential Multi-Family, Commercial Retail, and Commercial Service land use categories and is located on the north side of Highway 41, immediately east of Toby Way, in the community of Shandon. The site is in the Shandon-Carrizo Sub Area in the North County Planning Area.			
<b>RECOMMENDED ACTION</b> Approve the fifth time extension request for Vesting Tentative Tract Map 2451.			
<b>ENVIRONMENTAL DETERMINATION</b> A Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) was issued on November 8, 2002 for this project. The Negative Declaration was approved by the Planning Commission on January 9, 2003.			
<b>LAND USE CATEGORIES</b> Residential Single-Family; Residential Multi-Family; Commercial Retail; Commercial Service	<b>COMBINING DESIGNATIONS</b> Flood Hazard, Geologic Study Area, Sensitive Resource Area, Renewable Energy Area,	<b>ASSESSOR PARCEL NUMBERS</b> 017-181-052, 017-181- 055, 017-321-004	<b>SUPERVISOR DISTRICT(S)</b> 1
<b>PLANNING AREA STANDARDS:</b> 22.104.080 Shandon URL; 22.94.090 North County Shandon-Carrizo Sub-area;			
<b>LAND USE ORDINANCE STANDARDS:</b> Ch. 22.10 – Development Standards (density), Ch. 22.18 – Parking, Sec. 22.22.080 – Residential Multi-Family Subdivision Design			
<b>EXISTING USES:</b> Vacant			
<b>SURROUNDING LAND USE CATEGORIES AND USES:</b> North: Agriculture & Residential Suburban / Cholame Creek, residences & vacant East: Residential Single-Family / residences South: Residential Multi-Family & Commercial Retail / vacant West: Residential Single-Family / residential			
<b>OTHER AGENCY / ADVISORY GROUP INVOLVEMENT:</b> Tentative vesting tract map was originally referred to Shandon Community Advisory Group, Department of Public Works, Environmental Health, Ag Commissioner, County Parks, Cal Fire (formerly CDF), Air Pollution Control District, Department of Fish and Wildlife (formerly Department of Fish and Game), Cal Trans			
<b>TOPOGRAPHY:</b> Nearly level to gently sloping		<b>VEGETATION:</b> Grasses	
<b>PROPOSED SERVICES:</b> Water supply: Community System Sewage Disposal: Individual septic system Fire Protection: Cal Fire		<b>ACCEPTANCE DATE:</b> N/A (project originally accepted February 21, 2002)	
<b>ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING &amp; BUILDING AT:</b> COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242			

## **TIME EXTENSION REQUEST/PROJECT DESCRIPTION**

This time extension request has been reviewed by staff. It complies with Section 21.06.010 of the Real Property Division Ordinance, and remains in compliance with the General Plan and County ordinances. The Subdivision Map Act as amended by Senate Bill 1185, Assembly Bill 333, Assembly Bill 208 and Assembly Bill 116 currently allows time extensions to be granted to a maximum of thirteen (13) years past the initial approval period of two years for tentative tract maps, if the tentative map qualifies for each of the state mandated extensions. This tentative vesting tract map is not yet ready to record. Additional time is necessary to comply with the conditions of approval. Time extensions for subdivision projects are discretionary; however, they have historically been processed as an administrative action and placed on the consent agenda for notification purposes for both the Planning Commission and the public.

## **DISCUSSION**

A fifth time extension request by Fallingstar Homes, Inc./North Coast Engineering for Vesting Tentative Tract 2451 is recommended for approval.

### **Subdivision Request**

Vesting Tentative Tract 2451 is a request by Fallingstar Homes, Inc./North Coast Engineering to subdivide an existing 24 acre site into 16 lots ranging from one acre to six acres each for the purpose of sale and/or development, and to complete tract improvements and lot grading. The project will result in the disturbance of the entire 24 acre site. The proposed project is within the Residential Single-Family, Residential Multi-Family, Commercial Retail, and Commercial Service land use categories and is located on the north side of Highway 41, immediately east of Toby Way, in the community of Shandon. The site is in the Shandon-Carrizo Sub Area in the North County Planning Area. The subdivision was approved by the Planning Commission on January 9, 2003.

### **Time Extension History**

The tentative map is set to expire on January 9, 2016. On September 10, 2015, the applicant requested the fifth one year time extension. After review of the tentative map, staff recommends to the Planning Commission that the fifth one year time extension be granted to January 9, 2017, subject to the conditions of approval in the Planning Commission Resolution 2003-01 adopted January 9, 2003.

Vesting Tentative Tract 2451 was approved by the Planning Commission on January 9, 2003. A conditionally approved tentative tract map shall expire twenty-four (24) months after its conditional approval. The original expiration date was January 9, 2004. The applicant can request up to six (6) one year time extensions. This request is the applicant's fifth one year time extension request.

A first one year time extension request was received November 12, 2004 and was granted to January 9, 2006. A second one year time extension request was received December 19, 2005 and was granted through January 9, 2007. A third one year time extension request was received November 15, 2006 and was granted through January 9, 2008. A fourth one year time extension request was received December 3, 2007 and was granted through January 9, 2009.

The Subdivision Map Act was amended in 2008, 2009, 2011 and 2013 to provide tentative maps with "automatic, state-mandated" extensions that are above and beyond the six (6) one year time extensions as follows:

Senate Bill 1185 (California Government Code Section 66452.21) – If a tentative map was approved before and not expired on July 15, 2008 and will expire between July 15, 2008 and January 1, 2011 – extends the tentative map twelve (12) months. Vesting Tentative Tract 2451 was extended to January 9, 2010.

Assembly Bill 333 (California Government Code Section 66452.22) – If a tentative map was approved before and not expired on July 15, 2009 and will expire between July 15, 2009 and January 1, 2012 – extends the tentative map twenty four (24) months. Vesting Tentative Tract 2451 was extended to January 9, 2012.

Assembly Bill 208 (California Government Code Section 66452.23) – If a tentative map was approved before and not expired on July 15, 2011 and will expire between July 15, 2011 and January 1, 2014 – extends the tentative map twenty four (24) months. Vesting Tentative Tract 2451 was extended to January 9, 2014.

Assembly Bill 116 (California Government Code Section 66452.24(a)) – If a tentative map was approved after January 1, 2000 and not expired on July 15, 2013 and will expire between July 15, 2013 and January 1, 2016 – extends the tentative map twenty four (24) months. Vesting Tentative Tract 2451 was extended to January 9, 2016.

## **ATTACHMENTS**

Attachment 1 – Planning Commission Resolution 2003-01

Attachment 2 – Project Graphics

Staff report prepared by Brandi Cummings and reviewed by Terry Wahler.